UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/572
24 October 1995
ENGLISH
ORIGINAL: ARABIC/ENGLISH/
RUSSIAN/SPANISH

Fiftieth session
Agenda item 118

JOINT INSPECTION UNIT

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Investigation of the relationship between humanitarian assistance and peace-keeping operations" (JIU/REP/95/6).

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JIU/REP/95/6

INVESTIGATION OF THE RELATIONSHIP BETWEEN HUMANITARIAN ASSISTANCE AND PEACE-KEEPING OPERATIONS

Prepared by

Francesco Mezzalama

Joint Inspection Unit

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Acronyms

DHA	Department of Humanitarian Affairs
DPA	Department of Political Affairs
DPKO	Department of Peace-keeping Operations
ERC	Emergency Relief Coordinator
FAO	Food and Agriculture Organization of the United Nations
HC	Humanitarian Coordinator
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
JIU	Joint Inspection Unit
NGO	Non-Governmental Organization
RC	Resident Coordinator
SRSG	Special Representative of the Secretary-General
UNAMIR	United Nations Assistance Mission in Rwanda
UNDP	United Nations Development Programme
UNDRO	United Nations Disaster Relief Coordinator
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOSOM	United Nations Operations for Somalia
UNREO	United Nations Relief Emergency Office
UNRRA	United Nations Relief and Rehabilitation Administration
UNTAG	United Nations Transitional Group for Namibia
WFP	World Food Programme
WHO	World Health Organization

EXECUTIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The increasing number of conflicts, both internal and international, requiring humanitarian assistance and protection of civilians has made the tasks of the United Nations more difficult and complex, challenging its Charter and principles. Consequently, it has become essential for the Organization to ensure that relevant departments and entities of the System involved have a clear understanding of their roles and responsibilities. In order to respond to these complex problems, the United Nations has put forward three major instruments namely, preventive diplomacy, peacemaking and peace-keeping. All these activities are carried out in conjunction with humanitarian assistance programmes which include also peace-building.

The objective of this report is to analyse existing and proposed mandates of the different humanitarian agencies and of the social and humanitarian departments of the United Nations Secretariat, to ensure that these mandates are appropriate and applicable, to the extent possible, during complex emergency operations. The report also focuses on the relationship between humanitarian assistance and peace-keeping operators and recommends ways and means of harmonizing their work. The mechanisms for cooperation and coordination both at headquarters and field levels and among the different actors have been reviewed in detail with the aim of improving their effectiveness. The security and safety of United Nations field personnel have also been considered and suggestions made for improvement of the relevant policy.

The information and documentation used in the analysis and recommendations were provided by the organizations concerned, and field trips to Mozambique, Rwanda and Kenya. A plurality of United Nations activities were in fact transferred to Nairobi from Somalia. The Inspector is convinced that further efforts are necessary to improve the existing potentialities of the United Nations to contribute to peace and international security through the promotion of social, economic and humanitarian progress.

The assistance and cooperation of different departments and organizations both at headquarters and the field during the course of the investigation were extremely useful and highly appreciated. The Inspector wishes to point out, however, that the report cannot reflect all views expressed by United Nations organizations. The document is rather an effort of synthesis and harmonization of sometimes divergent positions which it would be impossible to reflect integrally; constraint on the length of JIU reports is also a factor.

RECOMMENDATION 1

The functions and responsibilities of the Department of Humanitarian Affairs (DHA) in complex emergencies have evolved during the past few years. However, since its creation by the General Assembly in 1992, guidelines have been insufficient in defining the new roles of the Department, to clarify its mandate, to steer interaction vis-à-vis DPA and DPKO. The Secretary-General has the responsibility

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of issuing operational guidelines. A Secretary-General's Bulletin should be issued defining clearly the evolving functions and services of the DHA both at headquarters and at the field level in consultation with humanitarian agencies.

RECOMMENDATION 2

The roles of humanitarian assistance operators, which is non political, have been extended to accommodate the impact of conflict situations resulting from intra-state and international conflicts. In complex emergencies, civilians on all sides and at all times must be protected and assisted by the United Nations and its humanitarian agencies on the principles of humanity, impartiality and neutrality which need to be respected by all. These principles are defined in the Statutes of the International Red Cross and Red Crescent Movement.

RECOMMENDATION 3

The Secretary-General's "An Agenda for Peace" and its Supplement, have provided mechanisms for maintaining international peace and security through preventive diplomacy, peacemaking, peace-keeping and peace-building. Negotiations with all parties to avoid conflicts, contain and/or solve them is one of the least costly and most effective means of achieving the aims of the United Nations. In order to maximize the impact of the strategies, the Secretary-General should strengthen and privilege the channel of "negotiations". This can best be achieved by refining the mechanism for analytical research of the roots and causes, including historical and anthropological backgrounds, of political, social and economic crises, especially in cases where the parties concerned are reluctant to accept peaceful solutions. Humanitarian actors can play a useful role linked and coordinated with peacemaking, peace-keeping and peace-building, safeguarding its non-political character.

RECOMMENDATION 4

The increasing number of complex emergencies and the involvement of the United Nations in humanitarian and peace-keeping operations have raised the interest not only of the traditional operational partners of the United Nations and NGOs, but also of research and academic institutions and universities. The participation of NGOs in complex emergencies has proved essential for United Nations relief activities. Also the involvement of academic institutions has opened a new avenue for a flow of ideas from organizations not part of the United Nations structure, but nevertheless genuinely concerned. This development deserves to be encouraged and fortified.

(a) NGOs: the consideration by DHA to explore the feasibility of assigning a full time NGO liaison at its headquarters goes along that line and should be supported. A similar pattern could also be envisaged at the field level.

(b) Concerning Academic institutions: there should be a continuous exchange of information-sharing between identified institutions and universities and the appropriate departments and entities of the United Nations on how effective responses can be developed to complex emergencies.

RECOMMENDATION 5

The relationship between United Nations humanitarian assistance operators and peace-keeping forces fully emerged when the number of complex emergencies increased. This relationship is working at headquarters level due to the efforts of the heads of the three departments, DPA, DPKO and DHA who have set up a coordination mechanism. The plan, however, does not take into sufficient consideration the role of the agencies at the field level despite their extensive experience and wide knowledge of different complex emergencies. In addition to the coordination mechanism, where appropriate, operational humanitarian agencies must be able to maintain direct links to DPA and DPKO and other Secretariat Departments. This is important to avoid bureaucratic layers and to ensure direct and prompt liaison on relevant issues. There may be difficulties at the leadership level of the operation, attributable to the difference between political and humanitarian actions.

In order to improve co-operation and co-ordination among the different components involved:

(a) Clear lines of responsibility should be established by the Secretary-General and in conformity with the will of Member States, for DHA, DPKO and DPA.

(b) An increased involvement of the Inter-Agency Standing Committee should be recognized under the auspices of DHA with the following tasks:

(i) to participate in the planning of peace-keeping operations with DHA, DPKO and DPA;

(ii) to inform regularly the Security Council through DHA on the background of strategies and operations.

RECOMMENDATION 6. Human Rights

The respect and protection of human rights in complex emergencies have not so far been satisfactorily assured despite the existing international instruments. In order for the High Commissioner and the Centre for Human Rights to be able to carry out their responsibilities:

A human rights presence should be envisaged parallel to the office of the Humanitarian Coordinator at the field level; and peace-keeping operations to be undertaken by the United Nations should have a human rights component taking into account the nature of the mandates established by the Security Council.

RECOMMENDATION 7. Coordination

In complex emergency operations, the activities of DPA, DPKO, DHA, human rights issues and NGOs are becoming more and more interdependent and interlinked. These entities and departments are directly or indirectly responsible for the implementation of the decisions of the Security Council. The following suggestions seem, therefore, appropriate:

(a) Headquarters: At headquarters level, the initiative taken by DHA along with other humanitarian agencies, DPKO and DPA to set-up a coordination mechanism should be pursued and formalized. Once completed, the relevant document should become a flexible framework for cooperation at Headquarters level in complex emergencies.

(b) Field: At the field level, the following chain of command and hierarchy should be followed:

(i) The Special Representative of the Secretary-General (SRSG), in accordance with his mandate, should provide overall leadership, coordinate and harmonize political, military and humanitarian operations.

(ii) The United Nations Force Commander, the Humanitarian Coordinator and the representative of the High Commissioner for Human Rights as a parallel entity on the ground should report, unless otherwise decided, to the SRSG without prejudice to their respective mandates and internal procedures vis-à-vis their United Nations headquarters.

(c) An information network with the primary purpose of making operational data available among all humanitarian components and actors should be established under the responsibility of DHA and should be accessible to the field offices.

RECOMMENDATION 8. Humanitarian Coordinator

At the field level, the role of coordinating humanitarian activities among humanitarian agencies according to the Terms of Reference agreed upon by the IASC should be recognized and strengthened. The Humanitarian Coordinator should report to DHA on humanitarian affairs, but function under the overall authority of the SRSG.

The task of the HC could be assigned to the United Nations Resident Coordinator because of his participation in early warning, responsibility for United Nations staff security, chief of the Disaster Management Team. The candidate proposed should have the required professional capability. If that is not the case, he/she should be chosen in accordance with the Terms of Reference agreed by the IASC.

RECOMMENDATION 9

Member States should consider the possibility of putting additional resources at the disposal of DHA to strengthen its structure and improve its capabilities.

RECOMMENDATION 10

The safety and security of United Nations personnel involved in the different peace-keeping operations has become one of the primary concerns of the international community and, in particular, of the United Nations. The General Assembly and the Security Council have passed several resolutions to this effect. At its forty-ninth session, the General Assembly approved a resolution on the "Convention of the Safety of United Nations and Associated Personnel", which provides for wider security of those who are involved in complex emergencies in relation to the United Nations organizations.

Although the problem of extending the coverage to more humanitarian personnel remains open, the Inspector recommends that Member States proceed expeditiously to ratify the convention. The Secretary-General could report to the General Assembly on the state of the ratification and on the successive implementation of the convention.

RECOMMENDATION 11

The primary purpose for establishing national volunteers, known as "White Helmets" is to use fully the national potential of countries in providing support for humanitarian relief, rehabilitation and technical cooperation for development activities. The Inspector suggests that the possibility could be considered of expanding the role of the "White Helmets"; to provide with their presence a deterrent and a symbolic protective cover in their working relationship with humanitarian operators.

INTRODUCTION

Investigation of the relationship between Humanitarian Assistance and Peace-keeping Operations

1. Since the end of the cold war and while a breakthrough for democracy was made, civil strife, ethnic and religious conflicts continue in different regions of the world. The United Nations system is active both in the promotion of democracy and peace. Within this tradition and wide framework, new challenges have developed which the United Nations is called upon to face. One of them, not mentioned in the Charter, is the use of United Nations forces to protect humanitarian operations on a wide scale, and the phenomenon has reached new proportions recently. The relationship between peace-keeping forces and humanitarian assistance is one of the major concerns of the United Nations system organizations and Member States. Non-governmental organizations, research workers and academic institutions are also involved.

2. In his address to the Foreign Policy Association, New York, in 1993, the Under-Secretary-General for Humanitarian Affairs stated: "two powerful current, the movement towards democracy and the unleashing of historic animosities and ethnic tensions, are shaping the environment of the post-cold war world. We are constantly reminded of the strength of these forces. We have now entered a period where international peace and stability are directly linked to healing deep ethnic, political and cultural rifts and achieving social justice within countries".[1]

3. In some countries, the conflicts in which the United Nations is expected to serve as a peacemaker began during the cold war and are still going on. In others, civil wars have claimed, and continue to claim, millions of lives. Refugees and internally displaced people in some of these countries place incalculable cost on the international community. Lack of essential social services, food and shelter in all of these countries contribute to complex emergency situations whereby peace-keeping and humanitarian operations are simultaneously performed by United Nations system personnel.

4. The present JIU study, proposed by UNICEF and welcomed by other humanitarian assistance organizations and UNDP, seeks to analyse the different problems involved in complex emergencies. The Inter-Agency Standing Committee (IASC) defined complex emergency as follows: "a humanitarian crisis in a country, region or society where there is a total or considerable breakdown of authority resulting from internal conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing United Nations country programme".[2] The study is different in scope and content from another JIU study under preparation entitled "Involvement of the United Nations system in providing and coordinating humanitarian assistance". This latter study focuses mainly on the role, mechanism and framework necessary for an effective United Nations response to emergency humanitarian situations. The present study on the other hand examines joint efforts by the humanitarian assistance agencies and the Department of Peace-keeping Operations. It reviews

critically the guidelines issued in the light of recent developments and new challenges. The study also examines the framework provided by the Secretary-General in his "An Agenda for Peace" and its Supplement, the concepts of preventive diplomacy, peacemaking, peace-keeping and peace-building as related to humanitarian activities.

5. A further aim of the study is to explore the possibility and feasibility of reviewing and formulating rules of conduct (guidelines) for agencies participating in complex situations, keeping in mind their competence, priorities, the new demands on peace-keeping and humanitarian assistance and the danger it involves, the respect for the principles of independence, neutrality, humanity and impartiality in international and internal conflicts. The protection and security of United Nations personnel will also be addressed.

6. Humanitarian assistance extended beyond the conflict period, involving rehabilitation, peace-building, and a return to normality is a further area requiring a new relationship with peace-keeping for more effective operations by the United Nations system.

7. The following chapters analyse the background of humanitarian and peace-keeping operations, the need for improved coordination among the United Nations agencies providing assistance in complex emergency situations and the necessity of protecting humanitarian operators in the field.

I. HUMANITARIAN ASSISTANCE IN THE UNITED NATIONS SYSTEM RE-EXAMINED IN THE LIGHT OF GENERAL ASSEMBLY RESOLUTION 46/182

8. The humanitarian agencies and bodies which are first in line when it comes to humanitarian assistance during complex emergencies are UNHCR, UNICEF, WFP, FAO, WHO and UNDP. In the past, they have acted efficiently and meritoriously in an autonomous and independent manner, but in a very different context. The globalization of the United Nations was still remote. A turning point, to face the radical changes of international scenarios in complex emergencies, necessitated a coordinating mechanism. Increasingly DHA is actively engaged in the coordination of complex emergencies from the very onset of a humanitarian crisis.

9. During the last few years, United Nations humanitarian agencies have been confronted with civil wars and other conflicts which fell under the existing international conventions such as the 1949 Geneva Conventions and the two Additional Protocols of 1977. These legal instruments stipulate the right of civilian populations to receive humanitarian assistance during armed conflicts. It is the duty of the parties involved in the conflict to comply with international obligations. The political situation has changed dramatically since the end of the cold war and has disrupted pre-existing international structures. As stated by the Secretary-General in the Supplement to an Agenda for Peace, para. 10 "... so many of today's conflicts are within States rather than between States... As a result there has been a rash of wars within newly independent States, often of a religious or ethnic character and often involving unusual violence and cruelty. The end of the cold war seems also to have contributed to an outbreak of such wars in Africa".[3] It is self-evident that the task of providing humanitarian assistance is extremely difficult and hazardous in conflict settings and it is more necessary than ever to do everything to ensure that the International Humanitarian Law is respected.

10. The role of the United Nations peace-keeping force thus becomes even more crucial as United Nations humanitarian assistance personnel may require protection and cooperation in carrying out their tasks ensuring that humanitarian assistance reaches a targeted civilian population. This adds new dimensions to the responsibilities of the United Nations, its humanitarian personnel and peace-keeping operators and requires close cooperation during complex emergencies. The United Nations High Commissioner for Refugees, in her opening address to the Princeton University Conference held on 22-23 October 1993, emphasized the difficulty by asking: "How long and how far can a humanitarian institution go in assisting and saving the victims, without damaging its image, credibility and principles and the self respect of its staff in the face of manipulation, blackmail, abuse, humiliation and murder?"[4] The international community must find an answer to that question.

11. Wars and conflicts generate more need for assistance. But the protection of civilian populations and meeting their needs can only be achieved in an environment of relative peace and security. When the nature of the operations change, the traditional mandates of the humanitarian agencies have to adjust

accordingly. The priority is always to save lives by using any available means and enforcing the International Humanitarian Law. The procedures and strategies on how to do this are instrumental to these targets. The Under-Secretary-General for Peace-Keeping Operations put these questions in their proper perspective when he stated at the Princeton University Conference that "The very nature of peace-keeping operations involves, in a way, trying to make order out of chaos .... In the midst of raging wars, there is no such thing as immaculate intervention; peace-keeping and humanitarian activities are inevitably messy and fraught with dangerous pitfalls".[5] One may add that the international community is seriously engaged in finding appropriate answers to the question on how to make these operations less messy, less risky and more effective.

12. The general consensus among the humanitarian organizations is that the basic principles contained in General Assembly Resolution 46/182, para. 2 of the Annex stating that: "Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality"[6] must be respected. The understanding and interpretation of these principles, however, need to be improved in the light of the particular case of peace-keeping operations.

13. An attempt to define the notion of humanitarian assistance and the criteria that must govern its provision may contribute to the clarification of the issues dealt with in the report. Humanitarian assistance finds its raison-d'être in the universally recognized principle that every human being has a right to life with all its implications; a right that justifies the action of the international community for its defence. Humanitarian assistance puts the individual at the centre when he is the victim of a violation of that fundamental right as the beneficiary of protection. The duty of Parties to an armed conflict is to accept relief actions which are exclusively humanitarian and impartial in character and conduct them without any adverse distinction. The right to life linked to humanitarian assistance needs to include a package of rights which finds its political, economic, social definition in the pertinent international conventions constituting the "corpus" of the international humanitarian and human rights law. Based on this background, the criteria defining the humanitarian assistance can be identified as follows:

14. Autonomy is seen not only as the absence of outside interference, but also refers to the specific competencies and mandates of each agency, entity, and humanitarian actors; mandates that must be carried out without restrictions. Autonomy cannot be a pretext to deny the necessity of coordination, the implications of which are examined in the course of this investigation. For non-governmental organizations and the International Committee of the Red Cross, which has been granted an observer status by the United Nations General Assembly, autonomy has an even wider implication.

15. Impartiality is a sine qua non to remedy a conflict situation for carrying out humanitarian assistance. The more impartial the dispensers of aid, the more realistic are the chances of success. Impartiality implies being guided solely by the suffering of individuals to be relieved and giving priority to the most urgent cases of distress. Respect for the principles of impartiality and neutrality enables

contacts to be established with all parties to a conflict and appropriate pragmatic arrangements to be made.

16. Neutrality is freedom from politicization of the intervention, an indispensable ingredient for any successful humanitarian initiative. In complex situations, the possibilities of interference do exist and have in fact affected the result of some operations. It should be added that neutrality is not restricted to humanitarian assistance operators. It applies equally to peace-keeping and when the principle of neutrality is violated the operation is jeopardized and United Nations personnel exposed to danger.

17. Examining the above principles of humanitarian and peace-keeping operations in different scenarios will be the subject of the next chapter.

II. UNITED NATIONS INSTRUMENTS RELEVANT TO THE MANDATES OF HUMANITARIAN ORGANIZATIONS IN COMPLEX EMERGENCIES

18. The various instruments the United Nations uses to help prevent, control and resolve inter-State and intra-State conflicts are: preventive diplomacy, peacemaking, peace-keeping and peace-building. All these measures have been clearly defined by the "An Agenda for Peace" as follows:

19. Preventive Diplomacy "is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur".[7] Preventive diplomacy offers the best opportunity to carry out humanitarian actions with full respect for the principles from which they are drawn. It makes the political environment less turbulent and, if possible, stable, with the presence, on the ground, of humanitarian personnel who can ease diplomatic intervention and be instrumental in the prevention of, or even delaying, the escalation of disputes. The provision of emergency aid, inherent in humanitarian assistance, can help to diffuse explosive situations. Without direct political involvement, humanitarian operations can contribute to the collection of information including early warning, in order to help develop a global approach for the benefit of diplomatic negotiators.

20. Peacemaking "is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations".[8] Next to preventive diplomacy, peacemaking creates the ambience favourable to humanitarian operations. This environment is one of reconciliation. Peacemaking, diplomacy and relief programmes can follow parallel tracks without reciprocal interference though being mutually beneficial. "Humanitarian assistance is closely connected with preventive diplomacy, early warning and the maintenance of international peace and security. It is associated with fact finding, the prevention of conflicts and emergencies, and with peacemaking, peace-keeping and peace-building".[9] In any case, humanitarian assistance should never be used as a leverage for political objectives in complex emergencies. Victims of armed conflicts are entitled to receive goods essential to their survival as part of operations that are exclusively humanitarian and impartial and conducted without any adverse distinction.

21. In the case of Mozambique, the Inspector has verified that this approach has been very useful in coordinating United Nations actions on the ground as well as at headquarters. The lesson to be drawn is that in complex operations consideration of humanitarian assistance from the outset is necessary and that early planning and coordination at all levels are essential to avoid confusion of roles and negative interference.

22. Peace-keeping "is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of

conflict and the making of peace".[10] This is the main objective to be pursued and the United Nations must strive for it whenever possible, even if it has recently suffered, as in the case of Somalia and former Yugoslavia some notable exceptions. Peace-keeping operations involve monitoring of truce arrangements, cease-fires, preparation of electoral processes and protective overseeing of humanitarian assistance operators. It is a situation in which the military peace-keepers and the humanitarian operators act according to their respective roles. In almost all instances, the humanitarian actors are in place before United Nations military personnel, an advantage affording prior knowledge of the local situation for laying the groundwork for the operations. The presence of the military as a deterrent against resumption of hostilities also benefits indirectly the delivery of humanitarian aid.

23. It may happen that respect of the principles on which peace-keeping is based becomes difficult. In certain circumstances, namely in Somalia and Bosnia and Herzegovina, to protect the humanitarian mission and the civilians it was requested that additional mandates be given to authorize the use of force. The consequence was that peace-keeping shifted towards peace-enforcement with an inherent confusion of roles. The humanitarian actors were caught in the middle of this contradiction. The prevailing tendency is that similar occurrences should be avoided. As stated by the Secretary-General in the "Supplement to An Agenda for Peace": "to blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel". They are not "adjacent points on a continuum, permitting easy transition from one to the other".[11] The military presence should be strictly limited to the time necessary to allow the resumption of humanitarian relief. With a reasonable margin of security, the political, military and humanitarian components should resume their original roles and mandates. The reality is not always as simple: when even a degree of insecurity remains, the involvement of military escorts for protection becomes a likely option. But the prevailing view shared by a number of humanitarian entities, including non-governmental organizations, is that recourse to military escorts should be the exception rather than the rule and must be strictly temporary. In any situation where military escorts are deployed to support, or provide security for, humanitarian activities it is important that they operate under a humanitarian banner and respond to the needs of those responsible for the humanitarian operation.

24. Peace-building is a scenario that requires exploration. A number of United Nations activities can be deployed in that context, linked with the aftermath of a conflict emergency and its gradual phasing out, to be replaced by initiatives aimed at bringing a country back to normality through the return to civil life as well as social and economic development. A variety of programmes, funds, offices and agencies within their respective mandates in economic, social, humanitarian and human rights sectors can find a wide range of possibilities. The protection of United Nations civilian personnel may be needed. As the peace-keepers move out, some skeleton protective structure could be left behind, but under United Nations civilian supervision. An alternative solution could be offered by an extension of the

range of actions of voluntary corps established to strengthen the humanitarian and relief assistance as foreseen by General Assembly Resolution 49/59 of 9 December 1994. These volunteers identified as "White Helmets" could be assigned, in addition to their original task, to the unarmed protection of humanitarian personnel. Recourse to United Nations guards, already successfully experienced in Iraq, may be taken into consideration for possible involvement in peace-building operations.

III. THE ROLE OF UNITED NATIONS HUMANITARIAN ORGANIZATIONS IN COMPLEX EMERGENCY OPERATIONS

25. Humanitarian related responsibilities are becoming increasingly prominent in the mandates of Peace-Keeping Operations. As a result of the frequency of such operations, working relationships at the policy-making and implementation levels were such that the integration of the humanitarian, political and peace-keeping operations became a necessity for maintaining peace and security. The intensified participation of humanitarian assistance by the United Nations system relief agencies has required better coordination which led to the establishment of the United Nations Department of Humanitarian Affairs (UN/DHA). The Under-Secretary-General for Humanitarian Affairs in his statement to the Policy Association in 1993, New York, made the point that: "The United Nations cannot be reduced to a provider of law and order, nor can it simply be a distributor of food and blankets, or supervise elections and then leave a country".[12] It is with this background that DHA was established replacing the United Nations Disaster Relief Coordinator (UNDRO) whose mandate did not include complex emergencies. (see Chapter IV on DHA.) It is significant that the post of Emergency Relief Coordinator was established in response to a perceived lack of coordination during the Gulf crises among humanitarian agencies.

26. Recently, DPKO, DPA and DHA have worked out guidelines to define their respective roles in a better way and improve cooperation. It is a welcome initiative and deserves to be encouraged. Effort should be pursued in order to improve further the involvement of the humanitarian assistance in peace-keeping operations.

27. The United Nations humanitarian organizations have expressed to the Inspector the wish to participate fully in the peacemaking process from the planning to the operational stages. They felt that they should not be drawn into the programme as an afterthought. The agencies believed that, because of their presence in the countries before conflicts start, they are better equipped to know the political, economic and social factors that come into play and thus can contribute to the planning and implementation of the operations. As most of them are also likely to stay after the operations have ended, their involvement will assist in post conflict activities.

28. Traditionally, humanitarian bodies are the first in line of complex emergency situations: UNHCR, in the protection of refugees; WFP, in the distribution of food aid to victims; UNICEF, in providing special care for women and children caught in the conflicts; and WHO, in health care (providing vaccinations and assistance in the prevention of contagious diseases). The involvement of FAO comes, in most cases, immediately after the complex emergency situation is over. It is involved in the distribution of seeds, tools and other essential inputs for the affected population to normalize the food production process. FAO also manages a Global Information and Early Warning Programme and jointly with WFP carries out activities for food supply assessment for the distribution of emergency food aid. As specified in GA/RES/46/182, the resident coordinator should normally coordinate the humanitarian assistance of the United Nations system at the country

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level. When a complex emergency is declared, a Humanitarian Coordinator may be appointed.

29. This JIU report, therefore, examines how efficiently and effectively each organization can carry out its function in complex situations and indicates how these efforts can reinforce the United Nations peacemaking process. The study also seeks responses to the new challenges facing humanitarian assistance providers in effective peacemaking and prevention of conflicts.

30. The degree of involvement of each of the agencies is explained in the following paragraphs with specific reference to the subject matter under consideration.

31. The United Nations High Commissioner for Refugees (UNHCR): In recent years there has been a growing number of operations in which UNHCR has cooperated closely with United Nations Peace-keeping forces. This has occurred in particular in situations where UNHCR was assisting in the voluntary return of refugees to their country-of-origin of where the General Assembly or the Secretary-General has requested UNHCR to assist displaced persons and or other victims of war.

32. UNHCR's mandate is the provision of protection and assistance to refugees and the pursuit of solutions to their plight. In refugee emergencies, UNHCR in accordance with its mandate coordinates the response of the humanitarian community. In recent years, UNHCR has increasingly been called upon by the General Assembly or the Secretary-General to take the lead in assisting internally displaced persons and other populations affected by conflict.

33. The United Nations Children's Fund (UNICEF): For a considerable number of years, its activities were devoted to assisting governments in building their capacities to raise the living standards of women and children and improve their well being. As the frequency of civil wars and other types of armed conflicts increased, more involvement of the international community and particularly the United Nations system, was required. It became necessary, therefore, for UNICEF to extend its mandates to include the provision of assistance to all victims of conflicts especially children and women in complex emergency situations.

34. UNICEF's efforts to improve its response capacity has entailed the development of a rapid response concept that is grounded in the ability to assemble and deploy Rapid Response Teams at short notice resorting to stand-by/turn-key arrangements with certain NGOs providing training in emergency preparedness and staff security. The ultimate aim is to build national and community capacities to cope with disasters when they strike. In complex emergency relief UNICEF's task includes assessing needs and meeting requirements by working in common with other United Nations system organizations. In addition, UNICEF participates in the formulation of consolidated inter-agency appeals and is fully involved in planning responses to complex emergency situations.

35. As one of the operational agencies in the field and as an active initiator in formulating consolidated appeals by the United Nations system for humanitarian relief assistance, UNICEF helps in seeking effective solutions to the problems of coordination and cooperation between humanitarian assistance and peace-keeping operations.

36. The World Food Programme (WFP): The political and economic changes which have occurred since the end of the cold war have had a fundamental impact on the conduct of WFP's humanitarian activities. Its basic mandate has been expanded to meet the new realities of complex emergencies. Emergency food relief assistance during civil wars or other conflicts is one of the main ways of sustaining those population in need of assistance. WFP's food delivery function has become an essential part of the United Nations system's humanitarian assistance operations and peace-building efforts, and its role has emerged as particularly relevant. Even for countries with the prospect of returning to peace and normal conditions, food aid will continue to be required to sustain refugees, displaced persons and the war-affected population until such time as reconstruction and development programmes are put in place.

37. Because of the evolving role of WFP, effective delivery of humanitarian assistance may require the escorting of food convoys. With the proliferation of complex emergency situations, WFP sees its tasks more linked to peace-keeping and peacemaking operations than hitherto.

38. The Food and Agriculture Organization of the United Nations (FAO): its direct involvement in complex emergencies is specific. Its contributions to United Nations humanitarian efforts are related to early warning, assessment of needs, rehabilitation and prevention. The Organization tries to ensure that emergency relief efforts are accompanied by long-term development measures and the establishment of the indigenous productive capabilities of the affected population.

39. Because of the very technical nature of its programme, FAO cannot be in the front line of complex emergency operations. FAO's early warning activities and food supply assessments, and its participation in the Inter-Agency Standing Committee (IASC) do, however, involve the Organization in the planning and policy decisions concerning the early stages of complex emergencies. In Somalia for example where FAO's programmes, often carried out in difficult conditions, have been a key part of the humanitarian strategy.

40. The World Health Organization (WHO) in 1989 established the Division of Emergency Relief Operations with a view to systematically enhance the Organization's capacity to handle both responses to complex emergencies and activities relating to emergency prevention, preparedness and mitigation. In this perspective, WHO has taken steps to strengthen emergency preparedness capabilities, particularly in disaster-prone countries, and has participated actively in emergency response operations through the provision of technical advice and expertise for the assessment of emergency health requirements and the coordination of the international response thereto. WHO also facilitates the

provision of specialized health relief and supplies. In 1993, the Division of Emergency and Humanitarian Action was established to further develop the Organization's emergency response capacity.

41. Since the creation of the Department of Humanitarian Affairs (DHA), WHO has participated in all of its activities, notably through its active membership in the Interagency Standing Committee (IASC) and its machinery. WHO has been closely associated with the development of DHA's consolidated appeal process designed to address emergency situations. It has contributed to all consolidated appeals launched by DHA. WHO also uses its regionalized, decentralized system of operations to reach and assist victims of natural disasters as well as populations severely affected by civil conflict, displacement, or the indirect impact of complex emergency situations. Based on the activities developed in response to the needs generated by such emergencies, WHO systematically supports the rebuilding or strengthening of national capacity in the health field to permit the national services concerned to regain self-sufficiency as rapidly as possible.

42. The United Nations Development Programme (UNDP) is the major financing organization of the United Nations system and the main actor in the provision of support for development activities. Although not a relief and emergency agency, it maintains its role of co-ordination and support of the United Nations system in countries which are affected by complex emergencies. In some countries, UNDP Resident Representatives are most often United Nations Resident Coordinators as well as often becoming the United Nations Humanitarian Coordinator but not always in complex emergencies. In certain cases they have served as Special Representatives of the Secretary-General during complex emergencies. One of the main responsibilities of UNDP in this connection is to ensure the continuation of development programmes by the agencies as the circumstances allow. With the present trend, whereby humanitarian assistance is taking the limelight, UNDP is looking into its mandates and searching for ways and means of allowing development activities to continue during complex emergencies. The continuity will allow development programmes to resume fully with the departure of peace-keeping forces.

Human rights in complex emergencies

43. The United Nations is mandated by Article 1 of the Charter to promote respect for human rights, including social and economic rights. The same Article entrusts to the Organization the solution of humanitarian problems, and the settlement of international disputes in conformity with international law. There is, therefore, a link between humanitarian assistance, protection of human rights and keeping international peace and security.

44. As a result of the increased number of conflict situations serious violations of human rights have occurred. In such instances, the Secretary-General stipulates that "one requirement for solutions to these problems lies in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic". To quote a recent example of implementation of this policy,

the High Commissioner for Human Rights was mandated to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component (E/CN.4/Sub.2/1994/39, para.4).

45. The General Assembly, through its resolution 48/141 of December 1993, created for the first time the post of a High Commissioner for Human Rights. The High Commissioner is entrusted, among other things, to "function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community".[13] The High Commissioner is given the responsibility of coordinating human rights promotion and protection activities throughout the United Nations system and reports to the General Assembly.

46. Since its creation, the office of the High Commissioner has taken measures to establish structures and programmes together with the Centre for Human Rights. In the absence of adequate support, the High Commissioner's office is occasionally assisted logistically in the field by DPKO.

47. In order to respond more quickly and efficiently to complex emergencies, the High Commissioner has appealed to Member States for resources both human and material. The appeal has started to give some positive, though insufficient results. It is the wish of the Inspector that the plans to set-up adequate structures to be used when needed at the field level be rapidly fulfilled.

48. As concerns have been expressed that respect for human rights must be a component of all humanitarian actions, the High Commissioner should be involved more extensively at the preliminary stage within the existing mechanism of alert and monitoring of complex situations where violations of human rights are likely to occur.

49. The humanitarian agencies are accorded the functions of watchdog in the field of human rights and have carried them out from time to time. They have done so despite many difficulties. It has to be noted, in fact, that the issues related to human rights have political implications. However, human rights and humanitarian activities are not separate as the provision of material assistance is an inherent component for ensuring the integrity and protection of victims.

50. The United Nations is also called upon to adopt measures to assist war-torn countries to establish judicial systems whereby those who violated human rights will be brought to justice. This is essential to make the peace and reconciliation processes feasible and lasting. In both political negotiations and peace-

keeping operations, the Organization has the responsibility for ensuring the defence of human rights and now has a new instrument at its disposal.

51. The above considerations show the importance of the protection of human rights in complex emergencies. The High Commissioner has to be given the possibility to act quickly and efficiently during the course of the entire operation. The link between human rights and humanitarian assistance is clear. The Secretary-General in his report to the General Assembly (A/48/1) stressed "that it is essential that the United Nations should develop the ability to link humanitarian action and protection of human rights with peacemaking, peace-keeping and peace-building." The special character of the mandate of the High Commissioner must be kept in evidence and taken into account in dealing with the problem of coordination.

52. In order to fill the structural gaps the High Commissioner for Human Rights within available financial resources and in cooperation with the Centre for Human Rights should speed up the organization of its own headquarters and field structures with a sound information mechanism to avoid the present transitional arrangement of dependency on the components of emergencies operations, especially DPKO, for logistic support. The Inspector recommends that the High Commissioner for Human Rights be given adequate resources to enable him to perform his mission fully. In this connection, a revolving fund and/or a trust fund offers possibilities worth of exploration. The resident humanitarian coordinator, would appear to be more apt to provide assistance and support when the field structure is inadequate.

Concluding remarks

53. An analysis of the roles of humanitarian operators and the frequent fast changes they are asked to face in complex emergencies poses the problem of harmonization of their activities with the other components of peace-keeping operations in all their diversity and requirements. Neutrality and impartiality are the foundations of their missions. The same principles form the pillar of United Nations peace-keeping which assures its viability. The problem is, therefore, mainly one of coordination, interaction and understanding of the respective responsibilities and competence. The most suitable way must be found to channel the respective potentialities towards the same target or purpose, coupled with the necessary flexibility; each emergency having its own characteristics, requires different kinds of ingredients and involves the parties at different levels of responsibility.

The role of the International Committee of the Red Cross (ICRC), Non-governmental Organizations (NGOs) and Research Institutions in complex emergencies

54. ICRC is often the first on the scene of internal and international armed conflicts so as to provide protection and assistance to victims. The mandate of ICRC is to provide protection and assistance to military and civilian victims of international and other armed conflict or internal strive. The ICRC is bound by the principles of humanity, impartiality, neutrality and independence defined in the

Statutes of the International Red Cross and Red Crescent Movement. When undertaking humanitarian assistance and protection operations, the ICRC respects these principles as well as the conditions set out in the international humanitarian law for relief activities in favour of victims of armed conflicts.

55. In order to protect and assist victims of armed conflicts, the ICRC establishes working relations with representatives of all political entities concerned, whether governments, opposition groups or other groups. Within a country where there is an internal armed conflict, protection of displaced persons come within the mandate of the ICRC. The collapse of a State and the replacement with a de facto authority is not an impediment or obstacle to providing humanitarian assistance.

56. Cooperation at the field level with United Nations organizations is done on a pragmatic basis. Depending on the type of activity and agreement concluded with the specific organization, some co-operation may be wider than others. Cooperation with WFP involves extensive consultation in relation to relief interventions during complex emergencies. In Rwanda, WFP and ICRC concluded a geographical division of responsibilities for relief feeding. In Somalia, ICRC has continued to maintain a staff presence in conflict situations where and when the United Nations has been unable to do so. Arrangements with WFP have allowed ICRC to distribute relief food as long as conflict situations persisted.

57. The ICRC will not resort to the services of an armed escort unless the situation obliges it to do so and unless such an escort is the only means for it to accomplish its mission in complete independence. Therefore, the sole purpose of armed escorts will be to provide protection against banditry or irregular troops and not against the parties themselves. Furthermore, the ICRC will ask the opinion of the party to the conflict which controls the territory where the escort is required and will not have one if that party objects to such an escort. As military involvement may give rise to a confusion of roles, ICRC is convinced that the red cross and red crescent emblems offer the best effective guarantee to the fulfilment of humanitarian missions in observance of the principles of neutrality and humanity. As the ICRC performs tasks assigned to it by the international humanitarian law and acts in accordance with this law, knowledge of these rules among United Nations peace-keepers is considered essential, not only for the benefit of the persons legally entitled to protection, but also for a full understanding of the ICRC's role.

58. NGOs, Research and Academic Institutions: Collaboration by United Nations humanitarian agencies with NGOs, both international and national, in complex emergencies is extensive. The JIU report, Working with NGOs: Operational activities for development of the United Nations system with non-governmental organizations and governments at the grassroots and national levels, (JIU/REP/93/1, General Assembly document A/49/122/Add.1 and E/1994/44/Add.1), states that "NGO's have carried out humanitarian relief efforts in foreign countries sporadically for over 200 years. Following World War II, these programmes grew more systematic and continuous, and during the 1980s, they

became very large-scale media, logistics, and field operations in which NGO and United Nations system representatives work courageously in very difficult circumstances to help relieve desperate human suffering".[14]

59. The relationship between United Nations agencies and NGOs has been effective mostly because of the ability of the latter to act speedily, and because they have already established programmes in the areas concerned before the emergency. In consideration of these factors, United Nations organizations, such as UNHCR, UNICEF and WFP are intensifying their working relationships with NGOs. In most cases, United Nations organizations sub-contract the delivery of relief goods to NGOs. In addition to distribution and monitoring, NGOs are also playing an increasing role in joint assessment of relief needs and in the planning of relief interventions. This collaboration is carried out through the participation of the major NGO consortia in IASC. The proposal of DHA to establish a permanent NGO Liaison office in DHA at headquarters level aims at intensifying such collaboration. A similar pattern could be envisaged at the field level.

60. Like United Nations humanitarian organizations, NGOs also have to adapt their traditional humanitarian relief effort to the new realities of United Nations activities. Their involvement in the protection of human rights is particularly significant.

61. Whilst the participation of NGOs in complex emergencies is at the operational level, the contribution of research institutions and universities has been at the policy-making level. The conference organized by Princeton University, co-sponsored by UNHCR, the International Peace Academy and the Woodrow Wilson School of Public and International Affairs, is one such forum which has provided valuable input. At this conference, heads of United Nations humanitarian and peace-keeping operations intervened on the topic of "How to link humanitarian action and peace-keeping operations" and encouraged the humanitarian and peace-keeping forces to work together, thus complementing each others' mandates.

62. The involvement of different institutions and academicians in the discussion of the role of the United Nations has several advantages: it helps the United Nations to tap new resources on how to deal with the fast-growing task of complex emergencies; it provides United Nations policy-makers with an opportunity to explore problems related to the implementation of their mandates; it presents outside perspectives and different views to international public opinion and to decision-makers, enabling them to be better informed about the dimension of world problems as well as the efforts of the United Nations to solve them. The Inspector, therefore, fully supports and encourages the interaction with selected research institutions and universities and the exchange of information on a regular basis.

IV. COOPERATION, COORDINATION AND DECISION-MAKING RESPONSIBILITIES BETWEEN HUMANITARIAN AND PEACE-KEEPING OPERATORS

A. Scope of the problem

63. In his annual report on the work of the organization for 1994, "Building Peace and Development" the Secretary-General stated that "over the past years, the international community has continued to strive to respond to crisis and conflicts, some of which have brought humanitarian disasters on massive scale. The instrument of peace-keeping has been employed in a new and evermore challenging setting."[15] One of the changing features of United Nations peace-keeping operations is, therefore, the requirement for political, military and humanitarian personnel to work together in close association. The stage and duration of their involvement in complex emergencies differ, however, from case to case.

64. The civilian staff of the United Nations system working in peace-keeping operations increased from 880 in 1990 to 3,486 in 1993. Since 1991, the United Nations has been engaged in preventive diplomacy, peace-making and peace-keeping and peace-building activities. Most of these operations include a major component for humanitarian assistance.

65. The mechanism for harmonizing a working relationship between humanitarian assistance and peace-keeping operations is still in the process of being defined. The expectation is that a smooth relationship be established among the military, political and humanitarian entities. Future working relationship depends on high-level political decisions which have to be taken into account. The United Nations has the overall responsibility to remove obstacles and improve cooperation and coordination. One way of tackling this problem would be to establish a clear line of responsibility for each party according to the approved mandates and to ensure that these responsibilities are carried-out by all concerned within an overall flexible framework.

B. Channels of communication, consultation and information

66. Collaboration between humanitarian agencies and peace-keeping operations at the field level has evolved. Within the existing institutional framework, arrangements differ from one organization to another and from country to country. WFP liaison with peace-keeping forces takes place primarily through the DHA-led humanitarian assistance coordination structure. Coordination between UNHCR and peace-keeping operations is through direct liaison with the Department of Peace-Keeping Operations as well as through regular meeting and information exchange of relevant staff at the Field Level. There is an exchange of information between the humanitarian coordinator, the force commander and their staff, as well as joint operational planning and exchange of documents. In the case of the former Yugoslavia and Somalia, peace-keeping forces have a mandate to support

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humanitarian activities. UNICEF collaborates with peace-keeping operations to ensure that access to ports, airports and roads for humanitarian assistance is maintained.

67. Major support provided by the peace-keeping operations to humanitarian assistance operators includes the monitoring of security conditions, escorting food convoys, use of communication facilities, protection of buildings, transportation of staff, delivery and control of food distribution, as well as engineering support for demining, road maintenance, bridge and utilities repair. This collaboration shows clearly the interdependence of the two components.

68. It has been reported to the Inspector that, during the various peacemaking processes, there was insufficient consultation between political and humanitarian parties at the beginning of an operation and that no clear instructions were issued thereafter. Specific tasks and well-defined responsibilities need to be established and communicated to the field officers as soon as possible. The current practice is for a Task Force meeting to be convened by the Secretary-General to examine and decide on important issues at Headquarters level. The resulting decisions and plans are later notified to the humanitarian agencies. The USG for humanitarian affairs is a key link in this practice. However, with clearer policy guidance, the operations could improve and become more effective.

69. The main responsibility of DHA is that of coordination. As a consequence, it is appropriate that the USG for humanitarian affairs acts as the interlocutor of humanitarian agencies at Headquarters level and he is well positioned to perform that role. However, there is a widespread impression among the humanitarian agencies that his role is not sufficiently recognized in comparison with the other two components of complex operations. Interaction with all the actors in peace-keeping operations has received a new stimulus, but more can be done, especially vis-a-vis the relationship of DHA with the Security Council since more and more its decisions have a direct impact on the implementation of the humanitarian mandate.

70. The activities of DHA are hampered by insufficient channels of communication between DHA and the agencies operating in complex emergencies. The main means of communication at present is the IASC established for the purpose of coordinating policy issues relating to humanitarian assistance (see section on IASC). The IASC has proven its value in strengthening overall coordination. But there is a lack of systematic flow of information from Headquarters to the field for coordinated actions to be taken by humanitarian agencies involved in complex emergencies. This is unfortunate since agencies in the field have a thorough knowledge of the political, social, as well as humanitarian situations. The Inspector is convinced that, at the headquarters level, a stronger representation of humanitarian assistance entities and their wider participation during the planning stages of peace-keeping operations, which are being decided on humanitarian grounds, will avoid a confusion of responsibilities and a hindrance to the effective implementation of humanitarian mandates.

C. Decision-making responsibilities

71. There are two layers of the decision-making process which require coordination in complex emergencies: one at headquarters and the other at the field level.

72. At headquarters, planning and execution of complex emergency operations are undertaken by three major departments. These are: the Department of Political Affairs (DPA), the Department of Humanitarian Affairs (DHA), and the Department of Peace-keeping Operations (DPKO). All three departments, under the auspices of the Secretary-General, are responsible for implementing decisions of the General Assembly, the Economic and Social Council and the Security Council. Any action taken collectively or individually is, thus, authorized by one or all of the above legislative bodies.

73. The IASC prepared an internal document entitled "Protection of Humanitarian Mandates in Conflict Situations" which was later shared for comment with DPA and DPKO. The document was based on a working paper drafted in Geneva by an informal working group comprising representatives of DHA, UNHCR, UNICEF, and WFP. The internal document suggests how to improve coordination and cooperation between the three departments. It attempts to define the functions of each during a complex emergency and proposes a mechanism for cooperation in the areas of information-sharing, planning and logistics. It also establishes guidelines for operational aspects of complex emergencies and, among other things, recommends flexibility and states that humanitarian organizations "should enjoy autonomy in accordance with their mandates".

74. The following paragraphs analyse the functions of the three departments at headquarters and field level.

Coordination at headquarters level

(a) Department of Political Affairs (DPA)

75. Experience indicates that a good negotiating framework is the basis for successful peacemaking. The Secretary-General's report, "An Agenda for Peace", stated that the new aim of the United Nations must be "... to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results".[16]

76. The lessons learnt from successful peacemaking (see chapter VI on country situations) point to the fact that the political settlement reached by all parties involved in the conflicts and the clear division of decision-making responsibilities were highly instrumental. The High Commissioner for Refugees, at the Princeton University Conference on "Conflict and Humanitarian Action" referred to above, stated that "a comprehensive political settlement remains the crucial key to the solution of humanitarian crises".

77. DPA has the necessary competence concerning political issues in complex operations. It has six regional divisions (two for Africa, two for Asia and one each for America and Europe) with primary responsibility for preventive diplomacy and peacemaking. The Department's main task includes collection of information about potential or actual conflicts; analysis of the relevant data in order to identify situations where the United Nations could be involved in preventive or peacemaking measures and the easing of negotiation processes. It assists the Secretary-General in obtaining authority from the General Assembly or the Security Council. The Department works closely with DPKO and DHA in implementing General Assembly or Security Council decisions.

78. At the field level, the Special Representative of the Secretary General (SRSG) is the main official responsible for the implementation of Headquarters decisions. His political profile is prominent, but at the same time, as specified in paragraph 87, he keeps overall control of the entire operation. DPA deploys and maintains small field missions as part of a preventive diplomacy or peace-making effort, such as in Sierra Leone, where the Secretary-General has been asked to facilitate peace talks between the Government and the Revolutionary United Front; or in Burundi, where the Special Representative of the Secretary-General tries, in cooperation with others, to prevent further ethnic violence between Hutu and Tutsi; or in Guatemala, where peace talks moderated by the United Nations have led to the deployment of human rights verification mission (MINUGUA) and will hopefully bring about a general peace agreement. DPA contributes to the effort to keep alive a fragile peace process, such as in Angola, where negotiations held in Lusaka by the Special Representative of the Secretary-General resulted in the deployment of UNAVEM III in the spring of 1995; and as far as Somalia is concerned, a United Nations Political Office is being maintained in Nairobi until security conditions allow its transfer back to Mogadishu. DPA is part of the wrap up of a successful peace-keeping operation such as in El Salvador, where a United Nations team monitors the implementation of those elements of the peace accords that had not been fully implemented at the time of ONUSAL's withdrawal, and is present in Cambodia, where the Secretary-General's Representative follows developments at the Cambodian Government's request.

79. In all such cases, missions operating under DPA responsibility maintain close contacts with the humanitarian network of United Nations agencies and NGOs. Whenever they help negotiate peace accords or framework agreements, DPA representatives take extensively into account the humanitarian and development factors and draw heavily on the expertise of competent United Nations agencies and programmes.

(b) Department of Peace-Keeping Operations (DPKO)

80. At headquarters level, DPKO is one of the main instruments responsible for the implementation of one of the most important mandates of the United Nations, that of maintaining international peace and security both through peaceful means as envisaged in Chapter VI of the Charter or through peace enforcement according

to Chapter VII of the Charter which authorizes military action against a State which is threatening international peace and security.

81. In recent years, the United Nations has been called upon more frequently to solve international and internal conflicts through peacemaking efforts. The human, civil, military, as well as material, resources for carrying out this task are provided by Member States. Prior to the Namibia operation (UNTAG) in 1989, United Nations peace-keeping missions had a prevailing military component. Lately, however, the United Nations has enlarged its presence to include civilian staff members as well as police and security services. As soon as these entities are involved in operations they form a United Nations peace-keeping force under the command of the Secretary-General. Military personnel are not allowed to receive orders from national governments, including their own. They are under the authority of the United Nations Force Commander, who receives his instructions from the Secretary-General through the DPKO and assures unity of command. This principle, however, has not always been complied with, undermining the transparency and effect of the operation. The General Assembly, through its resolution 48/42, has recommended a comprehensive review of peace-keeping operations. The resolution states that "in order to ensure the effectiveness of peace-keeping operations it is necessary that they have precise and clearly defined mandates".

(c) Department of Humanitarian Affairs (DHA)

82. The General Assembly recognized the need for strengthening the delivery of humanitarian assistance within the United Nations system in order to meet the increasing demand for humanitarian assistance by providing for emerging complex situations. Through its resolution 46/182 of 1992 the General Assembly established the post of Emergency Relief Coordinator (ERC) and subsequent to the resolution, DHA was created by the Secretary-General. The new Department is headed by an Under-Secretary-General for Humanitarian Affairs to whom the role of the Emergency Relief Coordinator of the United Nations system has been assigned.

83. The DHA is mainly responsible for interacting with policy-making organs of the United Nations, including the Secretary-General, as well as peace-keeping and political departments. While headquarters is responsible for mainly complex emergencies, the Geneva office of DHA continues to handle the traditional role of natural disasters and the Disaster Reduction and Mitigation programmes. DHA has expanded its information branch by establishing the new Complex Emergency Information Unit.

84. DHA was restructured in 1994 so as to provide a better leadership role in the coordination of emergency relief assistance as well as contributing to the overall peace-keeping efforts of the United Nations. The restructured office focuses, among other things, on providing support to field coordination and on advocating humanitarian principles and mandates.

85. A major drawback of DHA since its creation in 1992 has been the lack of predictable financial resources for its core activities in Geneva and New York to combine operations for natural disasters with those complex emergencies. Currently some two-thirds of its posts are funded from extra-budgetary sources. In addition funds for humanitarian assistance and field coordination costs come from voluntary contributions. At the onset of each new emergency, and subsequently throughout the duration of the crisis, DHA, in collaboration with its major partners coordinates the strategy development, assessment and prioritization of needs which are then presented in an Appeal. This is known as the Consolidated Appeal Process and is a major humanitarian tool for donors, implementing agencies and affected communities.

86. The ERC is, in principle, the humanitarian agencies' spokesperson at the policy-making level with their operational partners, the Departments of Peace-keeping Operations and of Political Affairs. However, the lack of a Secretary-General's Bulletin defining the exact role of the DHA has been brought to the attention of the Inspector. This situation has created uncertainty as to the responsibility of each actor during humanitarian operations in conflict emergencies.

Coordination at the field level

(a) The Special Representative of the Secretary-General (SRSG)

87. The SRSG is to "provide leadership and co-ordination of policy and operational objectives, while respecting the existence of ongoing humanitarian operations under standing mandates from the General Assembly". Consequently, the SRSG is to ensure appropriate consultation and coordination arrangements at the country level, and to see that the various parties involved in humanitarian activities maintain a close dialogue with all those involved in peace-keeping operations.

88. The successful execution of these responsibilities depends on the authority and personality of the SRSG together with his political and humanitarian experience. During the Inspectors's discussions with officials of humanitarian agencies at headquarters and in the field, unanimity was expressed for accepting the leadership role of the SRSG in coordinating the peace-keeping operations of the United Nations overall including the military and humanitarian aspects in complex emergencies, but with due regard to agency mandates. It was made clear however, that, in some cases, the SRSG has the tendency to focus more on the political side and less on the humanitarian component of the operation. Therefore, the agencies would welcome more attention being paid to experience in humanitarian matters during the selection process for SRSGs. This would enable the appointee to maintain a balance between all aspects of a complex operation.

(b) The United Nations Force Commander

89. At the field level, the United Nations Force Commander has the overall authority for the military component of United Nations peace-keeping operations

and reports to the SRSG. The Force Commander is supposed to work closely with the humanitarian agencies as well as the humanitarian coordinators, in the planning and execution of humanitarian assistance. His tasks vary depending on the mandate formulated by the Security Council for specific crises. It includes for example, among others, monitoring of security conditions, escorting supply convoys, use of communication facilities, protection of buildings and transport of staff. The Force Commander, the officers and members of the military contingent should have a knowledge of the basic humanitarian principles through appropriate training and be instructed about the activities of the agencies, including human rights protection.

90. The working relationships between the Force Commander and the different operators in complex emergencies are on an ad hoc basis. Limited cooperation and coordination take place through the DHA or through an appropriate lead agency.

91. The humanitarian agencies feel that, because of the different levels of competence among the military, political and humanitarian components, there is a need for peace-keepers and humanitarian assistants to be represented at the field level on a basis of equality. The present situation does not always reflect this needed balance. Similar preoccupations are evident in the report of the ACABQ on "Administrative and Budgetary Aspects of the financing of the United Nations Peace-keeping Operations". The Committee has certain reservations about the position expressed in the report of the Secretary-General (A/48/945, para. 14), that "the humanitarian assistance to the civilian population of a conflict should fall under the overall umbrella of the peace-keeping operation" (A/49/664 of 18 November 1994, para.11). According to the Committee, the impartiality of humanitarian operations might be affected by too close an association with the peace-keeping forces, particularly in the context of enforcement actions.

(c) The Emergency Relief Coordinator (ERC) and the Resident Coordinator (RC)

92. While the coordination function of the ERC at headquarters level in complex emergencies is clearly defined, the responsibility for the humanitarian coordination at the country level is outlined in the Terms of Reference worked out by the IASC. The task entrusted to the Humanitarian Coordinator, specified by IASC, represents a logical development and needed a complement to the decisions of the General Assembly resolution 46/182, para.39 stating, with reference to the United Nations Resident Coordinator, that "He/she should facilitate the preparedness of the United Nations system and assist in a speedy transition from relief to development. He/She should promote the use of all locally or regionally available relief capacities. The resident coordinator should chair an emergency operations groups of field representatives and experts from the System".[17]

93. Another possibility of coordination at the field level is when an organization is chosen to be a lead agency responsible for humanitarian activities including complex emergency operations. An example of this is UNICEF whose country representative was, at the same time, the leading agency for the operation in Iraq.

Similarly, when large population movement occurs UNHCR has a dominant role and its representative is chosen as a humanitarian coordinator. When a lead agency is chosen from among the humanitarian agencies, the head of this agency would assume the role of the resident coordinator and report to DHA. The resident coordinator then becomes the member of a country team.

94. At the headquarters level, the coordination function assumed by DHA since 1992 has resulted in a better recognition of the humanitarian agencies' needs in terms of coordinating their operations as well as mobilizing resources. Because of this, humanitarian agencies have welcomed the role of DHA at headquarters level. To avoid duplication of functions, the role of the humanitarian co-ordinator at the field level should be reviewed vis-à-vis the role of the incumbent United Nations resident coordinator.

95. Under the present arrangements, the United Nations resident coordinator has the following duties in normal and complex emergencies in addition to his leadership function of coordinating all United Nations system activities in the area of economic and social developments:

- chairs the disaster management team;
- oversees United Nations personnel safety and security;
- participates in early warning monitoring group;
- leads the representatives of other United Nations agencies.

96. The humanitarian coordinator, if appointed, will be entrusted with some of these tasks. This provides the basis for considering the resident coordinator as the humanitarian coordinator also in most complex emergencies.

97. The existing dichotomy has in fact prompted UNDP to review its mandates in order to accommodate the additional role of the humanitarian coordinator in complex emergencies. At the sixth session of the Inter-agency Standing Committee (IASC) held in New York on 27 October 1993, the UNDP Administrator promised "to be of maximum service to DHA at the country/operational level". He further stated that: "Resident coordinators will be reporting to DHA concerning humanitarian needs and that UNDP would be working closely with DHA to ensure, in a difficult humanitarian situation, that the resident coordinator would be someone well prepared to cope with the difficult challenges arising".[18] The resident coordinator will thus assume the functions of Humanitarian Coordinator.

98. The Inspector is of the opinion that since UNDP has a wide country presence and an established role as coordinator of development and humanitarian activities as well as participation in early-warning for responding to evolving humanitarian emergencies, it is in the best position to assume the task. In order to avoid bureaucratic layers, the Inspector sees merit in the idea that the United Nations resident coordinator be considered for the role of humanitarian coordinator for complex emergencies, provided he/she has the needed qualifications and experience in the area of humanitarian assistance and respond to the Terms of

Reference put out by the IASC. The United Nations resident coordinator would then be reporting to the SRSG at the field level and to DHA at headquarters on humanitarian matters.

The Inter-Agency Standing Committee (IASC)

99. The IASC was established by General Assembly Resolution 46/182, with the purpose of coordinating policy issues related to humanitarian assistance. Its members consist of United Nations organizations and agencies such as UNDP, UNICEF, UNHCR, WFP, FAO and WHO. The International Organization for Migration, the International Federation of Red Cross and Red Crescent Societies, the International Council of Voluntary Agencies and Inter Action are also members. The International Committee of the Red Cross is a standing invitee of IASC under the terms of the General Assembly resolution 46/100. In addition, the Steering Committee for Humanitarian Responses as well as any organization invited by the IASC on an ad hoc basis can participate in the meetings. The Committee normally meets four times a year and is chaired by the Under-Secretary-General for Humanitarian Affairs who is the United Nations Emergency Relief Coordinator.

100. The IASC deals with such issues as consolidating appeals, information/communication channels, and security matters between the field and headquarters as well as between different components of field operations. The Committee has also established a Task Force to study the progress from relief to development activities by United Nations system agencies. It also reviews emergency situations using information gathered by different agencies and accordingly establishes priority needs of the countries affected, including mobilization of resources through the Inter-Agency Appeals procedures for humanitarian programmes.

101. The Inspector recognizes the fact that the IASC has a thorough knowledge of the problems of complex emergency operations in different countries; a vital factor for planning future operations. The Inspector recommends that lessons learned from each operation should be documented and kept in a central data bank by DHA for future reference by the different United Nations departments. This needs to be communicated to all agencies including those dealing only with development, other inter-governmental organizations and NGOs. The information is also useful to the SRSG and other envoys, newly-appointed humanitarian coordinators, as well as United Nations staff members with responsibilities in peace-keeping missions.

Coordination and cooperation among the SRSG, the Humanitarian Coordinator and the United Nations Force Commander

102. The responsibilities of the three high-level officials in United Nations peace-keeping operations have been described throughout this report. There is, however, a need to clarify and redefine the terms of reference of their mandates to establish a modality of cooperation for better results.

103. As it has been stressed throughout the different chapters of this report, in complex emergencies there is a need for appropriate consultation and coordination arrangements between humanitarian operators and peace-keeping forces at the country level. This is essential so as to achieve a required mutual appreciation of the differences in mandates and functions.

104. The various United Nations humanitarian agencies, departments and NGOs with whom the Inspector exchanged views on this matter expressed the wish that the SRSG should be given the overall leadership role to ensure harmony between the humanitarian coordinator and the United Nations force commander. The Inspector believes that with clearly defined mandates of the three departments DPA, DPKO and DHA at the field level, it should be possible to reach a well balanced chain of command which would satisfy all the actors and lay the ground for sound cooperation. For this purpose, without prejudice to their respective mandates and internal procedures vis-a-vis their headquarters, they should function under the overall authority of the SRSG and establish with him a regular flow of information.

105. Continuity of the coordinating mechanism must be assured. To this end, the idea of a civilian deputy to the SRSG has also been aired and is worthy of investigation. The Secretary-General has taken the first step and assigned a Deputy Special Representative (SRSG) of the Secretary-General for Haiti.

106. At present, there is no standard model of collaboration between the three heads of operations at the field level. Guidelines are issued on an ad hoc basis and they differ from country to country. This is due to the fact that problems of peace-keeping operations also differ. The Inspector fully endorses the effort to set up flexible and practical operational guidelines. He is also of the opinion that the chain of command to carry out these operations needs to be clearly defined with full respect for basic complementarity which is inherent in each operation.

V. SECURITY AND SAFETY OF HUMANITARIAN OPERATORS IN COMPLEX EMERGENCIES

107. The Assistant Secretary-General for Conference and Support Services is entrusted with the function of the United Nations Security Coordinator. He is in charge of issuing general security guidelines to be applied by all United Nations system organizations. Most organizations have a liaison officer with the Security Coordinator. In the field, a senior United Nations official is appointed in each country to serve as designated official for security. He has overall responsibility for the security and protection of United Nations personnel for that particular country and is directly accountable to the Assistant Secretary-General. In most countries, the United Nations resident coordinator is responsible for the security and safety of United Nations personnel.

108. While the above mechanism is mainly for day-to-day operations of United Nations activities in the field, the increasing exposure of United Nations personnel to serious risks requires additional measures to be taken. This is particularly true in peace-keeping and in humanitarian operations. The growing number of fatalities and injuries and the deplorable lack of respect for international law by some of the parties involved in conflicts are a cause of grave concern for the United Nations and the international community. The situation is aggravated in countries where either a government no longer exists or no longer exercises authority which underwrite security guarantees to United Nations personnel.

109. In the past the General Assembly approved resolutions concerning the security and safety of international civil servants among which, at its forty-seventh session, resolution 47/72, whereby it requested the Secretary-General, "in planning future peace-keeping operations and in making recommendations for their deployment, to give particular attention to adequate protection for peace-keeping and other United Nations personnel".[19] In addition, the Security Council adopted a resolution (S/Resolution 868 of 29 September 1993) paragraph 6 of which reads as follows: "6. Determines that, when considering the establishment of future United Nations operations authorized by the Council, the Security Council will require inter alia:

> "(a) That the host country take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;
>
> "(b) That the security and safety arrangements undertaken by the host country extend to all persons engaged in the operation;
>
> "(c) That an agreement on the status of the operation, and all personnel engaged in the operation in the host country be negotiated expeditiously and should come into force as near as possible to the outset of the operation".[20]

110. Under pressure to provide more effective protection, a variety of attempts have been made by the United Nations to remedy the situation. Apart from the controversial decision of hiring local guards, an attempt which has proved successful is the use of an unarmed United Nations police force. It was tested during the Cambodian operation. The United Nations police was able to monitor elections in some sensitive areas and were accepted by the local communities without the reservations existing towards armed United Nations peace-keepers. One possible difficulty could come from the availability of sufficient contingents for extensive operations and their specific training.

111. In order to facilitate a quick response to humanitarian emergencies and to provide support to the rehabilitation and development in affected countries the General Assembly, during its forty-ninth session, approved resolution A/49/139 of 20 December 1994 entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations". The primary purpose of the resolution is clearly indicated in its title. However, in addition, the national volunteer corps called "White Helmets", with their presence, can have a reassuring effect and become a component of security and safety in the rehabilitation stage of emergency operations. It is at this juncture, in fact, that the peace-keepers withdraw leaving the international development community as the main actor on the ground. The way is thus being opened for an expanded role of the "White helmets"[21] to provide a deterrent and a symbolic protective cover to the humanitarian operators.

112. Another successful, although limited experience, was the deployment of a United Nations security guards contingent in Iraq. The United Nations guards provided support services in escorting relief convoys and humanitarian personnel and in guarding warehouses, offices, relief distribution centres as well as securing telecommunication facilities between duty stations. With the limitations inherent to the specific duties of United Nations guards, they could be considered as an option for special humanitarian operations such as the ones performed in Iraq.

113. Under the present security arrangement system, all humanitarian agencies are required to follow the general security guidelines issued by the United Nations Security Coordinator. The investigation of the Inspector disclosed however, that, in the opinion of some agencies, the existing arrangements are inadequate in solving problems of security when it comes to a question of complex emergency.

114. A sensitive area which has been a subject of debate in the Inter-Agency Standing Committee meetings was the protection of non-United Nations personnel associated with United Nations agencies in the field of humanitarian assistance in complex emergencies. In recent years, the United Nations has been working more frequently and closely with non-governmental and intergovernmental organizations. However, personnel from some of these organizations are not covered under the existing United Nations security system. This has not satisfied the humanitarian agencies which favour an extension of the protection to include a wider range of humanitarian operators.

115. The General Assembly, at its forty-ninth session, responding to new imperatives of security, approved the draft of the Convention elaborated by the Sixth Committee and adopted resolution 49/59 of 9 December 1994, concerning the "Convention on the Safety of United Nations and Associated Personnel". Articles 1 and 2 of the Convention define its purpose and its coverage as follows:

"**Article 1**

(a) United Nations personnel means:

(i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

(ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) Associated personnel means:

(i) Persons assigned by the government of an intergovernmental organization with the agreement of the competent organ of the United Nations;

(ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;

(iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency"[22] (General Assembly Resolution 49/59, of 9 Dec. 1994)

116. Although the problem of extending the coverage to more humanitarian personnel remains open, the convention represents a significant and welcome step forward in the issue of the protection of wide sectors of participants in complex emergencies. Member States should respond promptly to the initiative by ratifying the Convention. The Secretary-General could inform the fiftieth session of the General Assembly on the state of the ratification.

VI. EMBLEMATIC COUNTRY CASES OF COMPLEX SITUATIONS

117. The Inspector has deemed it useful to combine extensive investigation at headquarters with findings at the field level to obtain an integrated view of the issue under consideration. He has chosen a sample of significant country situations having in mind to analyse a series of cases, ranging from success to mixed results. He has for that reason travelled to Mozambique, Rwanda and Nairobi where the majority of the entities involved in Somalia had transferred their offices when the situation in Mogadishu became dangerously insecure.

Mozambique

118. The operation in Mozambique offers a convincing example of how the efficiency of the leadership and of the United Nations machinery, combined with favourable political conditions can guarantee success.

119. It is worthy of notice that the humanitarian operators, including NGOs, were on the scene and active prior to the decision of the United Nations to intervene. In fact it has been, thanks to the initiative of one of them an Italian philanthropic community, that the parties in conflict were persuaded to accept the political negotiation. The establishment of a truce has proved once more that the acceptance of the negotiating table is indispensable for a reasonable expectation of success of a peace-keeping operation.

120. In Mozambique, the United Nations presence was preceded by the engagement of humanitarian institutions, which performed efficiently without military protection. They operated impartially and neutrally, which helped them to have access to the parties in conflict and gain their confidence. One of the consequences was the establishment of a favourable environment advantageous to the other components of the operation with full respect to the principles of neutrality and impartiality.

121. The arrival on the scene of the peace-keepers put in motion the structure to coordinate the components of the operation. The relationship between the military and the humanitarian ran smoothly as a result of the political truce between the opposing local factions. The military contingents were not involved in humanitarian assistance. They were in the field performing their institutional functions, but their presence had a positive effect on the humanitarian operators as a deterrent against violence and as a potential source of protection. The fact that some of the humanitarian structures of the military, especially the field hospitals, had extended their assistance also to the population was favourably received and helped the image of the force-keepers.

122. On the civilian side, it has to be noted that the organizational chart, under the overall leadership of the Special Representative of the Secretary-General, in Mozambique and Somalia included a humanitarian division. This established an interesting precedent as previous operations were not so explicit about the

humanitarian component. It suggests and underlines the need that all peace-keeping operations, in their diversified nature, include a humanitarian component in the preliminary plan and that, at the implementation stage of the operation, the relationship with the other components be carefully surveyed and managed with strict observance of the respective mandates.

123. The Inspector had the impression that coordination within the humanitarian division needed some further improvement, especially from the point of view of interaction with the specialized agencies and the United Nations organizations funding humanitarian assistance programmes. It was suggested, inter alia, that in complex situations the current bureaucratic funding procedures be either speeded up or replaced by special procedures more suitable to satisfying the need for urgent action as required by the emergency. But, on the whole, the United Nations operation in Mozambique and its successful outcome offer an instructive and valid model for handling complex situations.

Rwanda

124. The events in Rwanda have evidenced that more attention should have been given to the warning signals predicting the crisis and a better use should have been made of the tools of preventive diplomacy that the United Nations had at its disposal. Mobilization of the international community came late, but got into full swing when the magnitude of the tragedy was evident. The Inspector was impressed by the amplitude of the efforts being deployed by the United Nations system. In Rwanda, an attempt is being made to give implementation to the scheme elaborated at United Nations Headquarters in common with the specialized agencies by the three components of a complex situation (DHA, DPA, DPKOs) in order to harmonize their mandates under the authority of the SRSG on an equal footing. The United Nations Assistance Mission in Rwanda (UNAMIR) was established under the Arusha Accords and performed according to its mandate and as permitted by the turbulence of the Rwandan crisis. The humanitarian operators in Kigali believe that the military plays a useful role in improving the conditions of security and protection in which they are expected to act. The establishment of a humanitarian liaison officer with UNAMIR helped to strengthen the channels of communication and favoured the climate of cooperation. This takes different forms according to the circumstances. A significant development has been the support given in selected cases to NGOs. In general it can be said that the widespread presence of the "Blue Helmets" has had a reassuring effect.

125. The humanitarian component has found an appropriate point of reference in the Resident Humanitarian Coordinator. His office has acted as a facilitator of humanitarian relief. UNREO proved to be a central mechanism for collecting and disseminating information and served as a focal point for inter-agency planning in relief strategies. It is recognized in Kigali as a positive development not only as an advocate for the humanitarian community, including NGOs, vis-à-vis the SRSG and the Military Commander, but as a liaison with the local authorities. The setting up of an integrated humanitarian operation centre giving rise to an integrated response in developing strategies and plans of action and in assisting in their

implementation is an initiative to be commended. DHA has thus acquired a constructive image in Rwanda and the handling of the emergency also offers an interesting model for future reference. The framework can be improved if DHA is given the possibility to strengthen its identity with adequate resources both human and financial, without introducing new and redundant bureaucratic layers. A risk which the Inspector was made aware of in Rwanda. Furthermore, DHA needs to be flexible enough to adjust to the change on a country situation when emergency is replaced by rehabilitation. In Kigali, the question was raised about the duration of the mission of the Resident Humanitarian Coordinator. Subject to improvement in the political situation, and in view of the desired gradual change to rehabilitation, humanitarian coordination could be entrusted to the United Nations Resident Coordinator and relevant projects and activities handed over to the international development community.

Somalia

126. An ample consensus has been noticed by the Inspector in his investigation with UNOSOM staff that one of the main reasons for the difficulties in Somalia is to be found in the shifting of operations from peace-keeping to peace enforcement. The ambiguity of the situation resulted in confused mandates whose clear definition is the first criterion for dealing with complex situations.

127. The contacts in Nairobi with several United Nations officials, including the SRSG, showed, however, that the focus of attention on the events and difficulties in Mogadishu has prevented an objective assessment of the overall Somalia operation.

128. If the relationship between the military and humanitarian components in the field has led to misunderstandings, more satisfactory has been the cooperation outside the capital. There, the results are tangible and UNOSOM has laid the groundwork in view of a gradual return to normality.

129. It is acknowledged that without UNOSOM it would have been impossible to open humanitarian corridors through which channel the relief supplies. In this stage, the protection provided by the military worked to the satisfaction of the humanitarian operators. The shifting of the mandate of the Security Council from Chapter VI to Chapter VII of the Charter, when the warring factions refused to accept a political agreement, inserted a new element; hence the source of more complex problems for all. In particular, the protection of humanitarian operations and of civilians was made particularly difficult. Further complications arose from the posterior shifting from peace-enforcement back to peace-keeping. The framework of cooperation among political, military, humanitarian components was put to a hard test. During this period, it was reported to the Inspector that the humanitarian civilian officer within UNOSOM contributed to the coordination effort. He was appointed at the suggestion of DHA, ensured liaison functions and reported to the SRSG. It happened that the military contingents in addition to their main action of support and security were exceptionally involved in small scale military civic assistance programmes through distribution of food or assuring maintenance

of hospitals and schools. Though not in line with their institutional mandate, these activities were justified, at that particular juncture, as being conducive to image building.

130. The collapse of the central government, the continuous warfare among factions, the absence of any prospect for a political settlement, the spread of violence and banditry have led to the "United Shield" operation and the withdrawal of the United Nations contingents.

131. Such a development does not, however, entail an end to humanitarian assistance, whose operators have decided to carry on according to the possibilities afforded by the situation. It will continue to be bound by the principles of impartiality and neutrality. Several possible solutions were mentioned to the Inspector. Provided that the humanitarian initiatives are judicially carried out, they could take advantage of arrangements with de facto authorities set up in provincial and communal districts. Security could be provided by the local police or with the involvement of the Somali population in the implementation of the projects. But all these attempts need to be tested on the ground and offer innovative models on how humanitarian assistance can be supplied in the extreme cases of dissolution of central governments and State institutions.

Notes

1. "The Humanitarian Challenges for the United Nations: Lesson to be learned from Bosnia and Somalia", United Nations, 15 December 1993.

2. Tenth Meeting of the Inter-Agency Standing Committee (IASC), 9 December 1994, para. 4.

3. "Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the occasion of the Fiftieth Anniversary of the United Nations", 3 January 1995, para. 10.

4. Conflict and Humanitarian Action. Report of a Conference at Princeton University, 22-23 October 1993, page. 7.

5. Ibid., page. 29.

6. "Strengthening of the co-ordination of humanitarian emergency assistance of the United Nations", General Assembly Resolution 46/182, Annex, para. 3, 19 December 1991. "Charter of the United Nations and Statute of the International Court of Justice".

7. Ibid.

8. "An Agenda for Peace", Report of the Secretary-General, page 11.

9. Secretary-General statement to the informal Working Group on "An Agenda for Peace" 29 May 1993.

10. "An Agenda for Peace", Report of the Secretary-General, page 11.

11. Supplement to "An Agenda for Peace", paras. 35 and 36.

12. "The Humanitarian Challenges for the United Nations: Lesson to be learned from Bosnia and Somalia", United Nations, 15 December 1993.

13. "High Commissioner for the promotion and protection of all human rights", General Assembly Resolution 48/141, 20 December 1993, para. 3(a).

14. Working With NGOs: Operational activities for development of the United Nations system with non-governmental organizations and governments at the grassroots and national levels, JIU/REP/93/1, 1993, page 5, para. 21.

15. Building Peace and Development 1994. Annual Report of the Secretary-General of the United Nations on the work of the Organization, page 153, para. 417.

16. "An Agenda for Peace", Ibid para. 15.

17. IASC, Ibid, page. 2.

18. Ibid.

19. "Protection of peace-keeping operations", General Assembly Resolution 47/72, para. 6.

20. Resolution adopted by the Security Council at its 3283rd meeting, Security Council Resolution 868, 29 September 1993.

21. "Strengthening the coordination of humanitarian and disaster relief and relief assistance of the United Nations, including special economic assistance: Strengthening of the coordination of emergency humanitarian assistance of the United Nations". General Assembly Resolution 49/139, 20 December 1994, Section B.

22. "Convention on the Safety of United Nations and associated personnel", General Assembly Resolution 49/59, 9 December 1994.